

## APR 10 2003 AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s) Charles L. Asbury et al.

Docket No.

UW Asbury

Serial No. 09/847,645	Filing Date May 1, 2001	Examiner D. Vanore	Group Art Unit 2881
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## Invention:

DEVICE AND METHODS FOR DETECTING SAMPLES IN A FLOW CYTOMETER INDEPENDENT OF VARIATIONS IN FLUORESCENCE POLARIZATION

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

- Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18 -	20 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	5 -	6 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. in the amount of  
A duplicate copy of this sheet is enclosed.
- A check in the amount of \$410.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-0915  
A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.

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Dated: April 4, 2003

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I certify that this document and fee is being deposited on April 4, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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#10  
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PATENT  
Our Docket: UW Asbury

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group Art Unit: 2881  
Asbury et al. )  
Serial No: 09/847,645 )  
Filed: May 1, 2001 )  
For: DEVICE AND METHODS FOR )  
DETECTING SAMPLES IN A FLOW )  
CYTOMETER INDEPENDENT OF )  
VARIATIONS IN FLUORESCENCE )  
POLARIZATION )

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Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed November 6, 2002, entry of this Response and consideration of the Remarks are respectfully requested.

REMARKS

Claims 1-19 are pending in the above-identified application. Claim 19 has been withdrawn from further consideration following Applicants' election in response to a Restriction Requirement. Accordingly, claims 1-18 are currently under consideration.

Rejections Under 35 U.S.C. §103

Claims 1, 5, 6, 10, 11, 12, 13 and 18 stand rejected under 35 U.S.C. §103(a) as obvious over Howie et al. (U.S. Patent No.

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